

August 6, 2009

Hon. William D. Wall, U.S.M.J.
Long Island Courthouse
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722

Re: Gary Ericksen, et al. v County of Suffolk, et al.
Docket No. CV06-2036 (ADS)(WDW)

Dear Honorable Judge Wall:

The undersigned writes to confirm receipt of plaintiffs' purported FRCP Rule 37 motion and remains, quite frankly, perplexed that counsel would make this application. The undersigned has had no direct contact with Mr. Grandinette since breaking during the deposition of Investigator Starke on June 16, 2009.

Further, when counsel made direct contact with the District Attorney's Office without this office's knowledge in 2008, it was understood then, and in subsequent status conferences before this Court, that counsel would contact the undersigned to make the appropriate arrangements. This was Mr. Collins' understanding as well.

In late June of 2009, the undersigned received a call from Mr. Collins indicating that counsel had again contacted the District Attorney's Office without the knowledge of the undersigned. Mr. Collins indicated that he directed counsel to contact this office. The County has not since heard from counsel.

To the extent that the additional documents exist as worded, that material has been requested. To further confuse the situation, this office received a binding detailing counsel's settlement demand on July 29, 2009.

In any event, the County would suggest that simple communication between the parties can resolve these purported outstanding issues without the need for the Court to commit time to intervene. Accordingly, the undersigned would ask that counsel's request for a conference in

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October 8, 2008

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early September be granted and that, in the meantime, it should be incumbent on the parties to address the referenced matters.

Very truly yours,

CHRISTINE MALAFI
SUFFOLK COUNTY ATTORNEY

Richard T. Dunne
Assistant County Attorney

RTD/snl

Cc: Grandinette & Serio, L.L.P.